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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,164	07/17/2003	Hiroshi Sakai	4265-51	2168

7590 03/18/2005  
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EXAMINER
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PHAM, LEDA T

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/622,164	SAKAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leda T. Pham	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 1-7, 12 and 14-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of group II, claims 18 – 20 in Paper filed on 2/28/05 is acknowledged.

Claims 1, 14 are amended to be dependent on claim 8. Therefore, claims 1 - 20 are present for examination.

Since Applicant did not provide any traversal arguments to the restriction requirement, the response is considered as election without traverse; therefore, the election/restriction is made FINAL.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this claim, on the last two line of the claim, which element electrically connects said conductive member to said motor housing? (the grounding member, the conductive member side connecting portion, or the motor housing side connective portion.) The specification does

Art Unit: 2834

not clearly recite the element electrically connecting the conductive member to the motor housing.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 8 – 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutani et al (U.S. Patent No. 6,580,194 B2).

Referring to claim 8, Mizutani teaches an electric motor (figure 1) having an armature (2) which is provided with a commutator (5a) fixed to a rotation axis (4) and an armature coil electrically connected to said commutator and is rotatably provided within a motor housing (3), and having a brush (7a, 7b) which is held by a brush holder (8) fixed to said motor housing and is in slidable contact with said commutator, comprising:

Art Unit: 2834

a power feeding terminal (the terminal in brush holder 8 connected with terminals 16a, 16b) provided in said brush holder (8) and electrically connected to a power source (15);

a conductive member (23, 24) provided in said brush holder and constructing a power supply circuit provided between said power feeding terminal and said brush; and

a grounding member (26) having a conductive member side connecting portion (22b) electrically connected to said conductive member and a motor housing side (22c) connecting portion electrically connected to said motor housing, and electrically connecting said conductive member to said motor housing (figure 3, 10).

Referring to claim 9, Mizutani teaches the electric motor wherein said conductive member side connecting portion (22b) electrically connected to said conductive member (23, 24) via a noise preventing element (21e, 22e).

Referring to claim 10, Mizutani teaches the electric motor wherein said motor housing side connecting portion provided so be freely bent with respect to a main body portion arranged on said brush holder (figure 8).

Referring to claim 13, Mizutani teaches the electric motor wherein said conductive member side connecting portion is provided on said brush holder so as to be freely deformed in a direction moving apart from said brush holder (figure 3, the connecting between brush 7a and coil 23, 7c).

***Allowable Subject Matter***

6. Claims 1 – 7, 12, 14 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2834

7. The following is an examiner's statement of reasons for allowance: the record of prior art does not show an electric motor having brush holder with a first power feeding terminal provided with a first connecting portion electrically connected to one said brushes and with a first leading end portion electrically connected to a power source and formed in flat shape extending in an axial direction of said rotation axis, and a second connecting portion electrically connected to another of said brush and with a second leading end portion electrically connected to said power source and formed in a flat shape extending in the axial direction of said rotation axis, and the brushes fixed to brush holder by screw members where the noise preventing elements lapped over the screws member an in axial direction or rotation axis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leda T. Pham whose telephone number is (571) 272-2032. The examiner can normally be reached on M-F (8:30-6:00) first Friday Off.

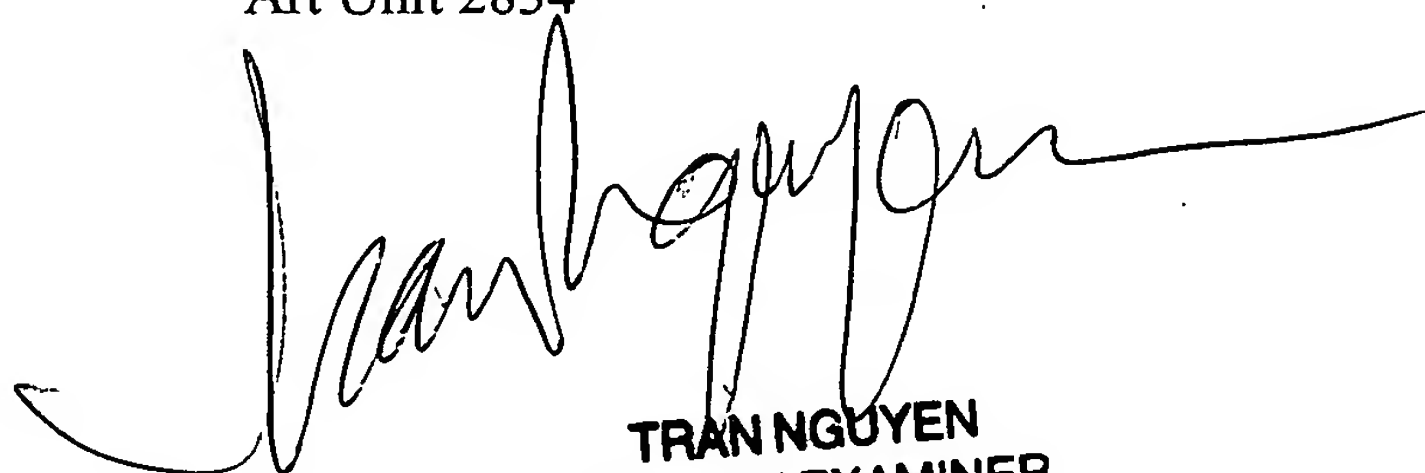
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2834

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leda T. Pham  
Examiner  
Art Unit 2834

LTP  
March 11, 2005



TRAN NGUYEN  
PRIMARY EXAMINER